

REMARKS

The present communication is responsive to the Final Official Action mailed July 25, 2003.

Applicants note with appreciation the telephonic interview of September 15, 2003, between the Examiner and the undersigned. As stated in the Interview Summary mailed September 17, 2003, the Examiner and applicants disagree as to the teachings of U.S. Patent No. 5,671,526 to *Merlano* ("Merlano").

In the Final Official Action the Examiner objected to claim 44, the lone pending claim, because "[i]t is confused as to what the phrase "the plate" in line 8 is indicated." Claim 44 has been amended to now recite "each of said cut strips having a width greater than the thickness of the starting plate and equal to the thickness of the ferromagnetic plate to be fabricated." Applicants respectfully submit that this amendment to claim 44 is meant to address the Examiner's confusion regarding recital of the phrase "the plate." In addition, "the ferromagnetic plate" has proper antecedence in the preamble of the claim.

Applicants have also amended claim 44 to now recite "whereby each of the cut strips have substantially smooth faces which originally constituted parts of the major surfaces of the starting plate." Applicants respectfully submit that this amendment does not constitute the addition of new matter as antecedent basis for this amendment can be found in FIG. 19. Applicants also respectfully submit that this amendment is meant to better focus the Examiner's inquiry on the claimed subject matter.

Claim 44 has also been amended to recite "stacking the strips so that the faces of the strips abut one another." This amendment is intended to improve the form of the claim. Applicants respectfully submit that this amendment to claim 44

does not constitute the addition of new matter and that "the faces" has proper antecedence in element (a) of the claim.

In the Final Official Action, the Examiner rejected claim 44 under 35 U.S.C. § 102(b) as being anticipated by *Merlano*. The Examiner asserts that *Merlano* teaches a method "of preparing transformer cores including the steps of: cutting a starting plate having oppositely directed surfaces and thickness [between] such surfaces into strips, each strip having a width greater than the thickness of the starting plate and equal to the thickness of the plate to be fabricated and stacking the strips abutting one another as [is] shown in Fig. [sic] 1-4, 16 and 17 (col. 3, lines 3-18 and 61-64, col. 4, lines 60-64, and col. 5, lines 31-41)." In addition, the "Examiner [also] traverses the argument[s]" included in applicants' amendment of July 11, 2003.

By *Merlano*'s method a "core strip 11 having a length L equal to the height of the core, enters the machine and progressively passes through the various stations A, B, C, D, F, G at discontinuous feed." (*Merlano*, col. 4, lns. 57-64.) As a result of processing at the various stations E and I-shaped and U and I-shaped laminations are formed. (*Id.*, col. 4, ln. 65 - col. 5, ln. 44; col. 3, lns. 2-14.) Each of the E-shaped and U-shaped laminations thus formed include protuberances 4, 13 that fit into the recesses 3, 14 of the respective I-shaped laminations. (*Id.*, col. 3, lns. 65-67; col. 4, lns. 53-56.) The profiles of the protuberances and the recesses "are snap jointed for assembly of the laminations." (*Id.*, col. 4, lns. 1-4 and lns. 47-48.)

Whereas the E-shaped, U-shaped and I-shaped laminations disclosed in *Merlano* include either protuberances or recesses, claim 44 recites that "the cut strips have substantially smooth faces" that are stacked together to form the ferromagnetic plate. *Merlano*, therefore, does not

identically disclose that which is claimed in claim 44. As stated at page 2100-70 of the MPEP:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814. F.2d 628, 631. . . . 'The identical invention must be shown in as complete detail as is contained in the . . . claim.' *Richardson v. Suzuki Motor Co.*., 868 F.2d 1226, 1236."

Applicants respectfully submit that *Merlano* does not anticipate claim 44, as amended. In particular, *Merlano* does not disclose or teach "whereby each of the cut strips has substantially smooth faces which originally constituted parts of the major surfaces of the starting plate." Thus, a fair reading of *Merlano* indicates its teachings are not identical to claim 44 and therefore *Merlano* does not anticipate claim 44.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. Applicants also respectfully submit that the amendments to claim 44 place the claim in better form for consideration on appeal.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

**EXPEDITED PROCEDURE**  
Group Art Unit: 3729  
Docket No.: DAMADIAN 3.0-067 CIP DIV V

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 23, 2003

Respectfully submitted,

By

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